

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	
)	NO. 18-CR-2945 WJ
JANY LEVEILLE,)	
SIRAJ SIRAJWAHHAJ,)	
HUJRAH WAHHAJ,)	
SUBHANAH WAHHAJ, and)	
LUCAS MORTON,)	
)	
Defendants.)	

**UNITED STATES' SECOND SUPPLEMENTAL NOTICE OF INTENT TO
INTRODUCE OUT-OF-COURT STATEMENTS**

The United States, by and through its undersigned attorneys, hereby notifies the Court and Defendants of its intent to include additional out-of-court statements made by a coconspirator that are contained within the Rule 17 subpoena returns from the New Mexico State Police and received from the Court on June 16, 2023. This notice supplements the prior notices that were filed on October 15, 2019 (Doc. 156) and June 2, 2023 (Doc. 781).

ADDITIONAL STATEMENTS

The supplemental out-of-court statements noticed in this filing were made by Defendant Lucas Morton to Officer Bryan Donis on June 30, 2018, in discussing a complaint that Morton was trespassing on the land where he and the other Defendants and their children were living. The audio and video recordings of Officer Donis's encounter with Lucas Morton will be lodged to the Court as Exhibit 33 and Exhibit 34. In the recordings, Morton states to Officer Donis that he was entitled to live on the property because a court hearing was resolved in his favor. When asked how he came to live on the property, Morton stated he inherited it from his creator. Further, Morton made statements intending to convey to Officer Donis that he lived on the land

with only his wife and children, and omitted any mention of Siraj Wahhaj, Jany Wahhaj, Hujrah Wahhaj, their several children, or JOHN DOE. Morton's statements are admissible as coconspirator statements because they were made to further the charged overlapping material support and kidnapping conspiracies by misleading law enforcement about who was on the land and whether they were properly on the land. This in turn allowed the Defendants to continue with their concealment of the kidnapped JOHN DOE and to continue their material support in preparation for attacks on federal officers and employees.

In the alternative, the statements are non-hearsay admissions by a party-opponent as to Lucas Morton, and are admissible against the other Defendants because they are not hearsay, as they will not be offered for the truth of the matter asserted. Rather, the statements will be admitted for the purpose of showing that they were made and that they were intended to deceive Officer Donis. Indeed, the Defendants did not inherit the land on which they built their compound from their creator, the referenced court case was not resolved and was not in their favor, and Lucas Morton was not residing on the land only with his wife and children. Morton made these misleading and incorrect statements to further the purposes of the charged conspiracies, and their admission will be evidence of that purpose and of the existence of the conspiracies, and will not be admitted for the truth of the assertions in those statements. For these reasons, Lucas Morton's statements to Officer Donis are also admissible non-hearsay.

CONCLUSION

The United States provides notice of intent to introduce out-of-court statements contained in the Rule 17 subpoena returns. These returns were only obtained by the United States on June 16, 2023, and provides this supplemental notice in a timely manner, a full month before the scheduled *James* hearing on July 19, 2023.

ALEXANDER M.M. UBALLEZ
United States Attorney

/s/

KIMBERLY A. BRAWLEY
TAVO HALL
Assistant United States Attorneys
United States Attorney's Office
201 Third NW, Suite 900
Albuquerque, NM 87102
(505) 346-7274

CERTIFICATE OF SERVICE

I hereby certify that on June 23, 2023, I filed the foregoing document electronically through the CM/ECF system. Pursuant to the CM/ECF Administrative Procedures Manual, §§ 1(a), 7(b)(2), such filing is the equivalent of service on parties of record. A copy of this pleading will also be mailed to Defendants Siraj Wahhaj and Lucas Morton.

/s/

Tavo Hall
Assistant United States Attorney